

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEON MARTIN,

Petitioner,

Case Number: 07-CV-10335

v.

Honorable John Corbett O'Meara

HAROLD WHITE,

Respondent.

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner Leon Martin has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Before the Court is Petitioner's "Motion for Appointment of Counsel."

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), *cert. denied*, 538 U.S. 984, 123 S.Ct. 1793, 155 L.Ed.2d 677 (2003), *reh. denied*, 539 U.S. 970, 123 S.Ct. 2666, 156 L.Ed.2d 677 (2003). There exists no constitutional right to the appointment of counsel in habeas cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) ("[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.") (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case "[w]henver the United States magistrate or the court determines that the interests of justice so require." 18

U.S.C. § 3006A(a)(2)(B). In the instant case, the Court determines after careful consideration that the interests of justice do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Petitioner's "Motion for Appointment of Counsel" is **DENIED WITHOUT PREJUDICE**. The Court will reconsider Petitioner's motion if it determines at a later date that appointment of counsel is necessary.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Dated: January 25, 2007

I hereby certify that a copy of the foregoing document was served upon Petitioner on this date, January 25, 2007, by ordinary mail.

s/William Barkholz
Case Manager